

Status Summary

Claims 1-5, 8, 9, 12-14, 16, 23, 25, 27, and 30 are pending in the present application. All of these claims presently stand rejected. By the above amendments, claims 1, 5, 8, 12, 23 and 30 have been amended to more particularly define the subject matter of each claim. No new matter has been added.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 5, 8, 12-14 and 16 presently stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner states that in claim 5, the term "hollow sleeve member" has no basis in the specification and that it is not clear what is being referred to. By the above amendments, claim 5 has been amended to change the term "sleeve member" to "cylindrical portion".

With regard to claim 8, the Examiner states that the term "the sleeve" has no antecedent basis in the claims or specification. By the above amendments, claim 8 has been amended to depend from claim 5 and to change the term "sleeve" to "cylindrical portion".

With regard to claim 12, the Examiner states that it is unclear as to whether or not the "cutting element" is positively claimed. By the above amendments, claim 12 has been amended to positively recite a cutting mechanism, as further described below.

Rejections Under 35 U.S.C. § 102

U.S. Patent No. 5,423,126 to Byrne

Claims 1, 2, 5, 12-14, 16, 23, 25, 27 and 30 presently stand rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,423,126 to Byrne (hereinafter "Byrne"). The Examiner states that Byrne discloses a head assembly having a first lateral wall (e.g. 35 or 16 or 48 or 55), a first transverse shield wall (e.g. 20 or 34 etc.), and a second lateral wall 7 having an annular gap filled by a hollow sleeve member or adaptor member 10.

Byrne discloses a flexible flail trimmer with a cutting head 5 from which a flexible flail 6 extends to act as a cutting device. A guide and cutting guard 4 is attached at the lower end of a handle shaft 2 by a clamp collar 7 in cooperation with a bushing 10 such that guide and guard 4 can rotate around handle shaft 2 independently of flexible drive shaft 3 and cutting head 5. As disclosed in Byrne the combined guide and guard 4 is generally in the shape of a truncated cone 20 having a circumferential lip 21 that extends radially outwardly from the base of truncated cone 20. As described specifically with respect to Figure 2, flexible flail 6 extends from cutting head 5 and rotates in a plane immediately outboard of a plane defined by outboard surface 24 of circumferential lip 21.

The Examiner has indicated that the first lateral wall of the presently claimed subject matter could be reference number 35, 16, 48 or 55. Reference numbers 35,

48, and 55 all extend around and pass the location on cutting head 5 from which flexible flail 6 extends, and therefore 35, 48, and 55 all extend around and past the plane along which flexible flail 6 moves. Also, it is noted with respect to reference number 16, as shown in Figures 1 and 2 of Byrne, that 16 as of the outer surface of ring 13 extends upperwardly from cone 20.

By the above amendments, independent claim 1 has been amended to recite a shield apparatus for positioning over a cutting mechanism of a power vegetation trimmer. Claim 1 has further been amended to recite that the first transverse shield wall adjoins the first lateral wall wherein the first lateral wall extends from the first transverse shield wall in a first direction. Claim 1 has further been amended to replace the word "enclosing" with the word "overlapping" as indicated. Additionally, claim 1 has been amended to recite that the first lateral wall and the first transverse shield wall define a first interior and are adapted for at least partially overlapping at least a portion of the cutting mechanism within the first interior above an external cutting element location. Claim 1 has also been amended to recite that the second lateral wall is coaxially disposed about the central axis as originally recited and to add that it extends away from the first transverse shield wall in a second direction substantially opposite the first direction. Finally, claim 1 has been amended to recite that the second interior is adapted for at least partially overlapping at least a portion of a head member from which an output shaft can extend.

Applicant respectfully submits that there is no teaching or suggestion in Byrne of a shield apparatus for positioning over a cutting mechanism of a power vegetation

trimmer as presently recited by claim 1. There is no teaching or suggestion in Byrne of a first lateral wall extending from the first transverse shield wall in a first direction and defining together a first interior adapted for partially overlapping a cutting mechanism within the first interior above an external cutting element location. There is also no teaching or suggestion in Byrne of a second lateral wall extending away from a first transverse shield wall in a second direction substantially opposite the first direction in which the first lateral wall extends. Byrne fails to teach that clamp collar 7 extends away from cone 20 and defines an interior adapted for overlapping at least a portion of a head member from which an output shaft can extend, as presently recited in claim 1.

Independent claim 12 has been amended as indicated above and now positively recites the cutting mechanism attached to the output shaft and wherein the cutting mechanism comprises a cutting element location for extension of a cutting element externally from the cutting mechanism. Claim 12 has additionally been amended to recite that the first outer wall circumscribes, above the cutting element location, at least a portion of the cutting mechanism by a distal annular gap. There is no teaching or suggestion in Byrne of a trimmer head assembly for use with a power vegetation trimmer comprising a shield with first and second outer walls coaxially disposed about a longitudinal axis and wherein the first outer wall circumscribes, above a cutting element location, at least a portion of a cutting mechanism by a distal annular gap.

As indicated above, independent claim 23 has been amended to recite a trimmer assembly comprising a cutting mechanism attached to the output shaft and rotatable therewith wherein the cutting mechanism has a cutting element location for extension of a cutting element externally from the cutting mechanism. Claim 23 has further been amended to more particularly claim the shield disposed around the output shaft. More specifically, the shield comprises a first lateral wall coaxially disposed about the output shaft and overlapping at least a proximal region of the cutting mechanism above the cutting element location. The shield further comprises a first transverse shield wall adjoining and extending from the first lateral wall toward the output shaft. Finally, the shield comprises a second lateral wall coaxially disposed about the output shaft and extending on an opposite side of the first transverse shield wall from the first lateral wall with the second lateral wall overlapping at least a portion of the distal head section. There is no teaching or suggestion in Byrne of a trimmer assembly comprising a shield disposed around an output shaft between a distal head section of a head member and a cutting mechanism as recited in amended independent claim 23. More particularly, there is no teaching or suggestion in Byrne of a shield with a first lateral wall coaxially disposed about an output shaft and overlapping a proximal region of a cutting mechanism above a cutting element location. There is also no teaching or suggestion in Byrne of a second lateral wall coaxially disposed about an output shaft and extending on an opposite side of a first transverse shield wall from a first lateral

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wall wherein the second lateral wall overlaps a portion of a distal head section of a head member.

In light of the above amendments and remarks with respect to independent claims 1, 12 and 23, it is respectfully submitted that the rejections of these claims and their dependent claims based upon Byrne should now be withdrawn.

U.S. Patent No. 5,414,934 to Schlessman

Claims 1, 2, 5, 8, 12-12, 16, 23, 25, 27 and 30 presently stand rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,414,934 to Schlessman (hereinafter "Schlessman"). The Examiner states that Schlessman shows a head assembly for a lateral wall (e.g. 13), a first transverse shield wall (e.g. 19), a second lateral wall (e.g. 46) having an annular gap filled by a hollow sleeve member or adaptor member (e.g. 17), and a coaxial adaptor wall (18).

Schlessman discloses a vegetation cutter apparatus with a cutterhead 7 that constitutes the cutting mechanism for containing and dispensing cutting filament 23. Base housing 13 of cutterhead 7 contains pass-through opening 50 for allowing the filament to pass therethrough. Base housing 13 therefore extends past the external cutting location for the cutting filament. The cutting mechanism of Schlessman is an example of a cutting mechanism that the shield apparatus of the present application is designed to be used with. Schlessman fails to teach or suggest any shield apparatus for positioning over cutterhead 7.

As reflected in the presently amended claims as described in detail above, claim 1 has been amended to recite a shield apparatus for positioning over a cutting mechanism of a power vegetation trimmer. Additionally, claim 1 has been amended to recite that the first lateral wall and the first transverse shield wall define a first interior and are adapted for at least partially overlapping at least a portion of the cutting mechanism within the first interior above an external cutting element location.

Claim 12 has been amended as described in detail above to positively recite the cutting mechanism attached to the output shaft and wherein the cutting mechanism comprises a cutting element location for extension of a cutting element externally from the cutting mechanism. Claim 12 has additionally been amended to recite that the first outer wall circumscribes, above the cutting element location, at least a portion of the cutting mechanism by a distal annular gap.

Claim 23 has been amended as described in detail above to recite a trimmer assembly comprising a cutting mechanism attached to the output shaft and rotatable therewith wherein the cutting mechanism has a cutting element location for extension of a cutting element externally from the cutting mechanism. Claim 23 has further been amended to more particularly claim the shield disposed around the output shaft as comprising a first lateral wall coaxially disposed about the output shaft and overlapping at least a proximal region of the cutting mechanism above the cutting element location. The shield further comprises a first transverse shield wall adjoining and extending from the first lateral wall toward the output shaft. Finally, the shield comprises a second lateral wall coaxially disposed about the output shaft and

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extending on an opposite side of the first transverse shield wall from the first lateral wall with the second lateral wall overlapping at least a portion of the distal head section.

There is no teaching or suggestion in Schlessman of any shield apparatus for positioning over cutterhead 7. As such, it is respectfully submitted that the rejections of claims 1, 2, 5, 8, 12-12, 16, 23, 25, 27 and 30 based upon Schlessman should now be withdrawn.

U.S. Patent No. 3,000,165 to Lill

Claims 1, 2, 5, 8, 12-14, 16, 23, 25, 27 and 30 presently stand rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,000,165 to Lill (hereinafter "Lill"). The Examiner states that Lill shows a head assembly with a first lateral wall (e.g. 43), a first transverse shield wall (39), a second lateral wall (vertical side walls of 12) having an annular gap filled by a hollow sleeve member or adaptor member (21 of 22), and a coaxial adaptor wall (23 or 24).

Lill discloses a walk-behind push lawnmower with a housing 10 and a pair of discharge openings 41 and 42 formed in downwardly depending side walls 43 and 44. Since Lill discloses a lawnmower, it is clearly desirable for and taught by Lill that the housing extend downwardly at least to or past the plane of rotation of the cutting blade.

As described in detail above, claim 1 has been amended to recite a shield apparatus for positioning over a cutting mechanism of a power vegetation trimmer.

Claim 1 has further been amended to replace the word “enclosing” with the word “overlapping” as indicated. Additionally, claim 1 has been amended to recite that the first lateral wall and the first transverse shield wall define a first interior and are adapted for at least partially overlapping at least a portion of the cutting mechanism within the first interior above an external cutting element location. Finally, claim 1 has been amended to recite that the second interior is adapted for at least partially overlapping at least a portion of a head member from which an output shaft can extend. There is no teaching or suggestion in Lill of a shield apparatus for positioning over a cutting mechanism of a power vegetation trimmer as presently recited by claim 1. There is no teaching or suggestion in Lill of a first lateral wall extending from the first transverse shield wall in a first direction and defining together a first interior adapted for partially overlapping a cutting mechanism within the first interior above an external cutting element location. There is also no teaching or suggestion in Lill of a second lateral wall extending away from a first transverse shield wall in a second direction substantially opposite the first direction in which the first lateral wall extends so as to define an interior adapted for overlapping at least a portion of a head member from which an output shaft can extend.

Claim 12 has been amended as described in detail above to positively recite the cutting mechanism attached to the output shaft and wherein the cutting mechanism comprises a cutting element location for extension of a cutting element externally from the cutting mechanism. Claim 12 has additionally been amended to recite that the first outer wall circumscribes, above the cutting element location, at

least a portion of the cutting mechanism by a distal annular gap. There is no teaching or suggestion in Lill of a trimmer head assembly for use with a power vegetation trimmer comprising a shield with first and second outer walls coaxially disposed about a longitudinal axis and wherein the first outer wall circumscribes, above a cutting element location, at least a portion of a cutting mechanism by a distal annular gap.

Claim 23 has been amended as described in detail above to recite a trimmer assembly comprising a cutting mechanism attached to the output shaft and rotatable therewith wherein the cutting mechanism has a cutting element location for extension of a cutting element externally from the cutting mechanism. Claim 23 has further been amended to more particularly claim the shield disposed around the output shaft as claim 23 recites that the shield comprises a first lateral wall coaxially disposed about the output shaft and overlapping at least a proximal region of the cutting mechanism above the cutting element location. The shield further comprises a first transverse shield wall adjoining and extending from the first lateral wall toward the output shaft. Finally, the shield comprises a second lateral wall coaxially disposed about the output shaft and extending on an opposite side of the first transverse shield wall from the first lateral wall with the second lateral wall overlapping at least a portion of the distal head section. There is no teaching or suggestion in Lill of a trimmer assembly comprising a shield disposed around an output shaft between a distal head section of a head member and a cutting mechanism as recited in amended independent claim 23. More particularly, there is no teaching or suggestion

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in LIII of a shield with a first lateral wall coaxially disposed about an output shaft and overlapping a proximal region of a cutting mechanism above a cutting element location. There is also no teaching or suggestion in LIII of a second lateral wall coaxially disposed about an output shaft and extending on an opposite side of a first transverse shield wall from a first lateral wall wherein the second lateral wall overlaps a portion of a distal head section of a head member.

In light of the above amendments and remarks, it is respectfully submitted that the rejection of claims 1, 2, 5, 8, 12-14, 16, 23, 25, 27 and 30 based upon LIII should now be withdrawn.

Rejection Under 35 U.S.C. §103(a)

Claims 1-5, 8, 9, 12-14, 16, 23, 25, 27 and 30 presently stand rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over LIII.

The Examiner states that in regard to claim 3, the first and second lateral walls of LIII are attached to the same transverse shield wall 39 instead of being attached to two integral transverse shield walls. The Examiner states, however, that there is no structural difference between a single transverse shield wall and two transverse shield walls that are integral with one another. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to have employed two integral transverse shield walls on LIII instead of one transverse shield wall. Regarding claims 4 and 9, the Examiner states that bearings 22, 22 have a hollow cylindrical portion, a first annular adaptor plate (bottom of 22) and presumably a second annular

adaptor plate (top of 22). The Examiner states that since the second annular adaptor plate is not explicitly drawn, the Examiner takes official notice that it is well known to have such annular adaptor plates at the lateral ends of bushings for the purpose of preventing axial sliding.

As noted above, Lill discloses a walk-behind push lawnmower with a housing 10 and a pair of discharge openings 41 and 42 formed in downwardly depending side walls 43 and 44. Since Lill discloses a lawnmower, it is clearly desirable for and taught by Lill that the housing extend downwardly at least to or past the plane of rotation of the cutting blade.

As described in detail above, claim 1 has been amended to recite a shield apparatus for positioning over a cutting mechanism of a power vegetation trimmer. Claim 1 has further been amended to replace the word "enclosing" with the word "overlapping" as indicated. Additionally, claim 1 has been amended to recite that the first lateral wall and the first transverse shield wall define a first interior and are adapted for at least partially overlapping at least a portion of the cutting mechanism within the first interior above an external cutting element location. Finally, claim 1 has been amended to recite that the second interior is adapted for at least partially overlapping at least a portion of a head member from which an output shaft can extend. There is no teaching or suggestion in Lill of, or motivation to provide, a shield apparatus for positioning over a cutting mechanism of a power vegetation trimmer as presently recited by claim 1. More specifically, there is no teaching or suggestion in Lill of a first lateral wall extending from the first transverse shield wall in a first

direction and defining together a first interior adapted for partially overlapping a cutting mechanism within the first interior above an external cutting element location. There is also no teaching or suggestion in LIII of a second lateral wall extending away from a first transverse shield wall in a second direction substantially opposite the first direction in which the first lateral wall extends so as to define an interior adapted for overlapping at least a portion of a head member from which an output shaft can extend.

Claim 12 has been amended as described in detail above to positively recite the cutting mechanism attached to the output shaft and wherein the cutting mechanism comprises a cutting element location for extension of a cutting element externally from the cutting mechanism. Claim 12 has additionally been amended to recite that the first outer wall circumscribes, above the cutting element location, at least a portion of the cutting mechanism by a distal annular gap. There is no teaching or suggestion in LIII of, or motivation to provide, a trimmer head assembly for use with a power vegetation trimmer comprising a shield with first and second outer walls coaxially disposed about a longitudinal axis and wherein the first outer wall circumscribes, above a cutting element location, at least a portion of a cutting mechanism by a distal annular gap.

Claim 23 has been amended as described in detail above to recite a trimmer assembly comprising a cutting mechanism attached to the output shaft and rotatable therewith wherein the cutting mechanism has a cutting element location for extension of a cutting element externally from the cutting mechanism. Claim 23 has further

been amended to more particularly claim the shield disposed around the output shaft as claim 23 recites that the shield comprises a first lateral wall coaxially disposed about the output shaft and overlapping at least a proximal region of the cutting mechanism above the cutting element location. The shield further comprises a first transverse shield wall adjoining and extending from the first lateral wall toward the output shaft. Finally, the shield comprises a second lateral wall coaxially disposed about the output shaft and extending on an opposite side of the first transverse shield wall from the first lateral wall with the second lateral wall overlapping at least a portion of the distal head section. There is no teaching or suggestion in Lill of, or motivation to provide, a trimmer assembly comprising a shield disposed around an output shaft between a distal head section of a head member and a cutting mechanism as recited in amended independent claim 23. More particularly, there is no teaching or suggestion in Lill of, or motivation to provide, a shield with a first lateral wall coaxially disposed about an output shaft and overlapping a proximal region of a cutting mechanism above a cutting element location. There is also no teaching or suggestion in Lill of, or motivation to provide, a second lateral wall coaxially disposed about an output shaft and extending on an opposite side of a first transverse shield wall from a first lateral wall wherein the second lateral wall overlaps a portion of a distal head section of a head member.

In light of the above amendments and remarks, it is respectfully submitted that the rejection of claims 1-5, 8, 9, 12-14, 16, 23, 25, 27 and 30 based upon Lill should now be withdrawn.

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CONCLUSION

In light of the above Amendment and Remarks, Applicant respectfully requests favorable consideration of the elected claims. Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney.


Deposit Account

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

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